

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CASE NO.:

MORGAN HOWARTH,

Plaintiff,

v.

SAM RAMIS f/k/a SAEID BEYRAMI,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff MORGAN HOWARTH by and through his undersigned counsel, brings this Complaint against Defendant SAM RAMIS f/k/a SAEID BEYRAMI for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff MORGAN HOWARTH (“Howarth”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Howarth's original copyrighted Works of authorship in his Works.

2. Based in the Washington D.C. area, Howarth has been a photographer for over 25 years and focuses on interior and architecture work. His rich and

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illustrative style brings architecture to life by combining a multitude of separately lit images into one perfect shot. Howarth has worked as a photographer for a multitude of national clients including Timex, Sears Catalog, The Lenox Hotel, Cole Haan Shoes, GH Bass Shoes, Timberland Shoe, CBS, and Home & Design Magazine, and has been exposed to many beautiful people and places throughout his career. However, he still considers the best part of any assignment to be the client's final "Wow!"

3. Howarth uses a combination of tungsten, daylight, and strobe light to create the best possible natural looking light to suit the needs of each room or scene. This process takes several different exposures and lighting set-ups per image which are then combined into one Hi-Res image.

4. Defendant SAM RAMIS f/k/a SAEID BEYRAMI is an individual and the person responsible for owning and operating the former entity known as HERO BUILD SOLUTIONS LLC ("HBS"), a construction services company that offered architectural design, interior design, planning and furnishing, landscaping design, new construction build, addition builds, pool build, outdoor entertainment builds, flip and rehab, basement finishing, remodeling, improvement, and other services. At all times relevant herein, HBS owned and operated the internet website located at the URL www.herobuildsolutions.com. (the "Website").

5. Howarth alleges that SAM RAMIS f/k/a SAEID BEYRAMI acting on behalf of, by and through HBS copied Howarth's copyrighted Works from the internet in order to advertise, market and promote its business activities. SAM RAMIS f/k/a SAEID BEYRAMI committed the violations alleged in connection with HBS' business for purposes of advertising and promoting sales to the public in the course and scope of SAM RAMIS f/k/a SAEID BEYRAMI's business.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. Defendant is subject to personal jurisdiction in Georgia.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

10. SAM RAMIS f/k/a SAEID BEYRAMI was the owner, operator and alter ego of Hero Build Solutions LLC, formerly a Georgia limited liability

company with its principal place of business at 3225 Shallowford Road, Building 1000, Marietta, Georgia, 30062.

THE COPYRIGHTED WORKS AT ISSUE

11. In 1997, Howarth created the photographs in the 5519 Center Master Bath Series, entitled 5519_Center_Mast_Bath Series, 1_F, 3_F, and 4_Windows_F, and in 2015 created the 8608 Stirrup Kitchen Series, entitled 8608_Stirrup_Kitchen Series, 1_F, 2_F, and 3_F. The six photos at issue in this matter are attached hereto as Exhibit 1 (one of which is shown below), and referred to herein as the “Works”



12. Howarth registered the Works with the Register of Copyrights on August 29, 2014 and January 26, 2016, and was assigned registration numbers VA 1-958-957 and VA 2-013-533. The Certificates of Registration are attached hereto as Exhibit 2.

13. Howarth's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

14. At all relevant times Howarth was the owner of the copyrighted Works at issue in this case.

INFRINGEMENT BY DEFENDANT

15. SAM RAMIS f/k/a SAEID BEYRAMI has never been licensed to use the Works at issue in this action for any purpose.

16. On a date after the Works at issue in this action were created, but prior to the filing of this action, SAM RAMIS f/k/a SAEID BEYRAMI copied the Works.

17. On or about March 17, 2020, Howarth discovered the unauthorized use of his Works on the Website depicting work performed by SAM RAMIS f/k/a SAEID BEYRAMI in Atlanta and Alpharetta. Attached hereto as Exhibit 2 are copies of SAM RAMIS f/k/a SAEID BEYRAMI's infringement of the Works.

18. SAM RAMIS f/k/a SAEID BEYRAMI copied Howarth's copyrighted Works without Howarth's permission.

19. After SAM RAMIS f/k/a SAEID BEYRAMI copied the Works, he made further copies and distributed the Works on the internet to promote the sale of goods and services as part of its construction services business.

20. SAM RAMIS f/k/a SAEID BEYRAMI copied and distributed Howarth's copyrighted Works in connection with SAM RAMIS f/k/a SAEID BEYRAMI's business for purposes of advertising and promoting SAM RAMIS f/k/a SAEID BEYRAMI's business, and in the course and scope of advertising and selling products and services.

21. Howarth's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

22. SAM RAMIS f/k/a SAEID BEYRAMI committed copyright infringement of the Works as evidenced by the documents attached hereto as Exhibit 2.

23. Howarth never gave SAM RAMIS f/k/a SAEID BEYRAMI permission or authority to copy, distribute or display the Works at issue in this case.

24. Howarth notified SAM RAMIS f/k/a SAEID BEYRAMI of the allegations set forth herein on June 11, 2020. To date, the parties have failed to resolve this matter. A copy of the Notice to SAM RAMIS f/k/a SAEID BEYRAMI is attached hereto as Exhibit 3.

25. On April 4, 2022, Howarth obtained an amended default judgment of \$301,536.00 in statutory damages for copyright infringement and \$3,892.39 in attorney's fees and costs against HBS in this district in case no. 1:20-CV-4874-SCJ.

26. Thereafter, Howarth discovered the extent of the personal involvement of SAM RAMIS f/k/a SAEID BEYRAMI with the infringement of his Works.

27. Thereafter, Howarth discovered that SAM RAMIS f/k/a SAEID BEYRAMI and HBS are mere alter egos.

28. Thereafter, Howarth discovered that SAM RAMIS f/k/a SAEID BEYRAMI uses HBS for fraud.

29. Thereafter, Howarth discovered that HBS is a mere business conduit for SAM RAMIS f/k/a SAEID BEYRAMI.

COUNT I
COPYRIGHT INFRINGEMENT

30. Plaintiff incorporates the allegations of paragraphs 1 through 29 of this Complaint as if fully set forth herein.

31. Howarth owns valid copyrights in the Works at issue in this case.

32. Howarth registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

33. SAM RAMIS f/k/a SAEID BEYRAMI copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without Howarth's authorization in violation of 17 U.S.C. § 501.

34. SAM RAMIS f/k/a SAEID BEYRAMI performed the acts alleged in the course and scope of his business activities.

35. SAM RAMIS f/k/a SAEID BEYRAMI's acts were willful.

36. Howarth has been damaged.

37. The harm caused to Howarth has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against the Defendant SAM RAMIS f/k/a SAEID BEYRAMI that:

a. Defendant, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

- b. Defendant be required to pay Plaintiff his actual damages and SAM RAMIS f/k/a SAEID BEYRAMI's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Plaintiff be awarded pre and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: June 12, 2023

Respectfully submitted,

/s Joel B. Rothman

JOEL B. ROTHMAN

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1.C

Counsel for Panoramic Stock Images, Ltd. hereby certifies that this pleading was prepared in Times New Roman font, 14 point, in compliance with Local Rule 5.1.C.

DATED: June 12, 2023

Respectfully submitted,

/s/Joel B. Rothman

JOEL B. ROTHMAN